

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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December 21, 2004

FROM: **DAVID H. SLAUGHTER**, Director
Real Estate Services Department

PATRICK J. MEAD, Director
Department of Public Works – Transportation

SUBJECT: SET HEARING DATE TO ADOPT RESOLUTION OF NECESSITY

RECOMMENDATIONS:

1. Schedule a public hearing on **Tuesday, January 25, 2005, at 10:00 a.m.**, for adoption of a Resolution of Necessity authorizing condemnation of real property to acquire the necessary right-of-way from one parcel located along the north side of Howard Street between Benson Avenue and Bel Air Avenue in the Ontario/Montclair area.
2. Direct the Clerk of the Board to send the required notice to the property owner as required per Section 1245.235 of the Code of Civil Procedure.

BACKGROUND INFORMATION: Howard Street is an east-west residential collector street in the unincorporated area of the County that connects the cities of Montclair and Ontario. The Mission Elementary School is situated on the south side of Howard Street between Benson Avenue and Vernon Avenue. Sidewalks and curbs, which facilitate student pedestrian traffic from Mission Elementary School, are in place along Howard Street except for a distance of approximately 420 feet along the boundaries of three individual properties. The Department of Public Works – Transportation Division (PW-T) initiated a project designed to extend the existing sidewalk, curb and gutter along the frontage of these three parcels, which will provide improved pedestrian safety along this busy street. PW-T requested the Real Estate Services Department (RESA) complete an appraisal and make offers to acquire the necessary rights-of-way by easement over the three parcels.

On June 22, 2004, the Board approved Appraisal No. 04-051 and authorized RESA to acquire the necessary rights-of-way. An offer was sent to each property owner and the rights-of-way for easements were acquired over two of the properties; however, negotiations with the following property owner for the indicated parcel have not been successful.

Parcel No.	Property owner	Assessor's Parcel No.	Easement Acquisition (sq. ft.)
E-2	Crawford & Upshaw	1011-441-06	1,720

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A Resolution of Necessity will allow the County to proceed with condemnation of the property, gain possession in a timely manner, and proceed with this project for the extension of sidewalk, curb and gutter to improve student pedestrian traffic from the Mission Elementary School along Howard Street. The County is authorized to acquire property by eminent domain pursuant to Government Code Section 25350.5.

Recommendation No. 2 directs the Clerk of the Board to send the required notice to the affected property owner as required per the Code of Civil Procedure Section 1245.235.

REVIEW AND APPROVAL BY OTHERS: This item was reviewed by County Counsel (Charles S. Scolastico, Deputy County Counsel, 387-5481) on November 18, 2004; PW-T (Richard Bronstrup, Transportation Design Division Chief, 387-7939) on November 18, 2004; and the County Administrative Office [Daniel R. Kopp (387-3828) and Tom Forster (387-4635), Administrative Analysts] on December 13, 2004.

FINANCIAL IMPACT: The total cost for acquisition of easement rights of a portion APN 1011-441-06 is \$14,300.00. The total project cost is estimated at \$160,000 and will be initially financed with Gas Tax Funds, which is included in 2004-05 PW-T budget (SAA TRA). Upon completion of the project, the Gas Tax Fund will be reimbursed with Community Development Block Grant funds. Approval of this item will not result in local cost.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item, concurs with the department's and RESD's recommendation, and recommends this action based on the need to ensure timely possession of the right-of-way to complete the project and improve student pedestrian safety along Howard Street between Benson Avenue and Vernon Avenue in the Ontario/Montclair area.

SUPERVISORIAL DISTRICT: Fourth

PRESENTER: David H. Slaughter, Director, 387-7813

MDC 387-7816 inf 387-7819